

No. 14-1127

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

MiTile Ltd.

Plaintiff-Appellant

v.

Hasbro, Inc.

Defendant-Appellee

On Appeal from the United States District Court
For the Eastern District of Virginia
No. 1:13-cv-00451-GBL-TCV
Honorable Gerald Bruce Lee

MOTION FOR EXTENSION OF TIME TO FILE PRINCIPLE BRIEF

Under Federal Circuit Rule 26(b), appellant MiTile Ltd. seeks an extension of time to file its principle brief. MiTile Ltd.'s principle brief is currently due on January 31, 2014. For good cause, as stated below, MiTile Ltd. seeks an additional 60 days to file its principle brief, making it due on April 1, 2014. MiTile Ltd. has not previously sought an extension in this case. MiTile Ltd. has conferred with the other party in this case, and Hasbro, Inc. has consented to the 60-day extension.

MiTile Ltd. has good cause to seek this extension. MiTile Ltd. recently retained new counsel to prosecute the appeal. Currently, counsel is in the process

of obtaining the files, district court records and relevant information from prior counsel. Counsel is also in the process of ordering a transcript of the hearing on the motion for summary judgment. Once the records are obtained and the transcript is prepared, counsel will need sufficient time to review the records and prepare the brief. In light of the factual and legal complexity of this case, there is good cause for a 60-day extension.

An affidavit of counsel accompanies this motion.

Dated: December 13, 2013

Respectfully submitted,
/s/ Dan R. Gresham
Dan R. Gresham
Thomas|Horstemeyer LLP
400 Interstate N Parkway SE
Suite 1500
Atlanta, Georgia 30339

Attorney for Plaintiff/Appellant
MiTile Ltd.

DECLARATION OF DAN R. GRESHAM

1. I am an attorney at law duly admitted to practice law in the State of Georgia, and am a partner with the law firm of Thomas|Horstemeyer, LLP, and counsel to plaintiff/appellant MiTile Ltd. in this matter.
2. I have knowledge of the facts set forth below and, if called as a witness, could and would testify to them.
3. I make this declaration as required by Circuit Rule 26(b)(5) to demonstrate good cause for an extension that exceeds 14 days.
4. MiTile Ltd. executed a retainer agreement on December 04, 2013, retaining Thomas|Horstemeyer for appellate purposes in this case.
5. Thomas|Horstemeyer did not represent MiTile Ltd. before the district court and was not involved in the case.
6. Thomas|Horstemeyer is currently in the process of obtaining the client files, the district court records and other related documents from prior counsel.
7. Thomas|Horstemeyer is also in the process of ordering a transcript of the hearing on the motion for summary judgment.
8. Once the necessary documents are obtained, Thomas|Horstemeyer expects that it will take a significant amount of time to fully and thoroughly review the substantial record in this case, analyze the complex legal issues and prepare the appropriate brief.

9. Accordingly, Thomas|Horstemeyer anticipates needing an additional 60 days to prepare the brief. The above demonstrates good cause for that time.
10. Thomas|Horstemeyer contacted Holland and Knight, counsel of record for Hasbro, Inc. Hasbro, Inc. consented to the 60-day extension of time to file the preliminary brief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 13, 2013.

/s/ Dan R. Gresham
Dan R. Gresham

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Dan R. Gresham
Dan R. Gresham

Form 9

FORM 9. Certificate of Interest**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

_____ v. _____

No. _____

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

_____ certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Date_____
Signature of counsel_____
Printed name of counsel

Please Note: All questions must be answered

cc: _____